

FILED

AUG 13 2013

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Wdh DEPUTY

KERRY RAE HOLDEN,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No. CIV-12-828-W

ORDER

On June 13, 2013, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this case and recommended that the decision of the defendant, Carolyn W. Colvin, Acting Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Kerry Rae Holden be affirmed. Holden was advised of her right to file written objections to the Report and Recommendation, and the matter now comes before the Court on Holden's Objections to the Magistrate Judge's Report and Recommendation [Doc. 24], the Commissioner's response thereto filed at the direction of the Court [Docs. 25, 26], and Holden's reply [Doc. 29].

After consideration of Holden's arguments pertaining to the opinions of Bobby C. Kang, D.O., and the cases on which Holden has relied, see, e.g., Poppa v. Astrue, 569 F.3d 1167 (10th Cir. 2009); Taft v. Astrue, 2012 WL 5450456 (W.D. Okla. October 15,

¹Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action.

2012), adopted, 2012 WL 5450455 (W.D. Okla. November 7, 2012); Petzold v. Astrue, 2008 WL 542958 (W.D. Okla. September 25, 2007), adopted, id. (W.D. Okla. February 25, 2008), as well as Holden's arguments regarding the opinions of Subramanian Krishnamurthi, M.D., and Thomas N. Lynn, M.D., the Court, upon de novo review of the record, finds no error has occurred warranting the requested reversal and remand. The Commissioner's relevant factual findings are supported by substantial evidence in light of the entire record, and she applied the correct legal standards. E.g., O'Dell v. Shalala, 44 F.3d 855, 858 (10th Cir. 1994).

Accordingly, the Court

(1) CONCURS with Magistrate Judge Purcell's suggested disposition of this matter and in so doing, ADOPTS the Report and Recommendation [Doc. 23] issued on June 13, 2013;

(2) AFFIRMS the Commissioner's decision to deny Holden's Application for Disability Insurance Benefits; and

(3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this 13th day of August, 2013.


LEE R. WEST
UNITED STATES DISTRICT JUDGE